

12/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-242

NAME AND ADDRESS: KITE-NORD CANAL CO
C/O VERDALE HILL
4572 E 250 N
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 5.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R40E S29 NENENW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

5.000 CFS

PLACE OF USE:

166 ACRES TOTAL

Place of use is within the area served by Kite-Nord Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through Kite-Nord Canal.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

1-242



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 23, 2006

Re: Supporting documentation for Stock Water or Ground Water Recharge

Dear Claimant:

Over the past several months, numerous meetings have taken place with individuals and representatives of water delivery organizations in the upper Snake River Valley and the Idaho Department of Water Resources (IDWR) concerning claims for the non-irrigation season diversion of stock water and ground water recharge. In response to these meetings the following criteria were identified for evaluating and recommending these two uses.

- The claimant will have to provide documentation that verifies a historical practice of diverting water during the non-irrigation season for the purpose of providing stock water and ground water recharge. An example would be copies of the minutes for a water delivery organization referencing the diversion of water for these two uses. This information also will be used to help establish the priority date of the use.
- The claimant needs to provide copies of records showing the quantity of water historically diverted during the non-irrigation season. These records will be used as a basis for recommending the diversion rates for these two uses.
- The claimant will have to provide documents, written statements and/or affidavits from individuals who have witnessed the non-irrigation season diversion of water. These individuals need to provide a historical perspective based on actual observation.

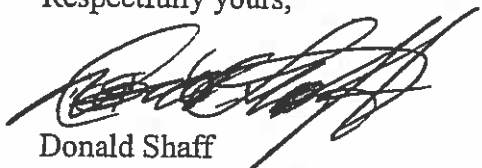
Claimants need to assess their historic diversion requirements for stock water and ground water recharge. The quantity of water claimed for non-irrigation season stock water should be the amount needed to reach the end of the delivery system plus provide drinking water for stock. Claimants should not rely upon ground water recharge as a use to supplement the stock water in order for water to reach the end of the delivery system. *Claimants holding Winter Water Savings contracts may have lost their right to divert water for 150 days between November 1 and April 30 through either abandonment or forfeiture or may have a modified season of use depending on a case-by-case review of the facts.*

For some claimants, amending claims, or filing new claims, to reflect the historic quantity for stock water will result in a substantial filing fee (\$200 per cfs). This fee is not refundable, which emphasizes the importance of providing documentation that supports the claimed uses.

If you or the organization you represent have already amended one or more claims and provided the documentation identified above, you may disregard this letter. Individuals or organizations

wishing assistance in amending their claims or filing additional claims should call the Eastern Region office at (208) 525-7161 by September 1, 2006 to make an appointment.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Donald Shaff', written over a horizontal line.

Donald Shaff
Adjudication Bureau Chief, IDWR

Enclosure: SRBA claim proof report

cc: Ernest Carlsen, IDWR



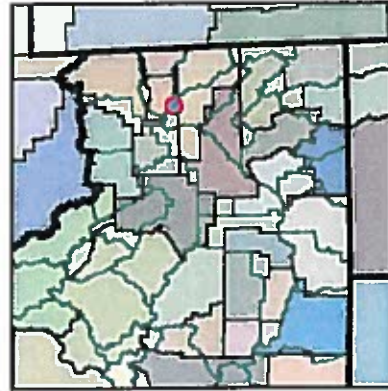
Kite-Nord Canal Co

SRBA Recommendations: 1-242, 1-299, 1-10022

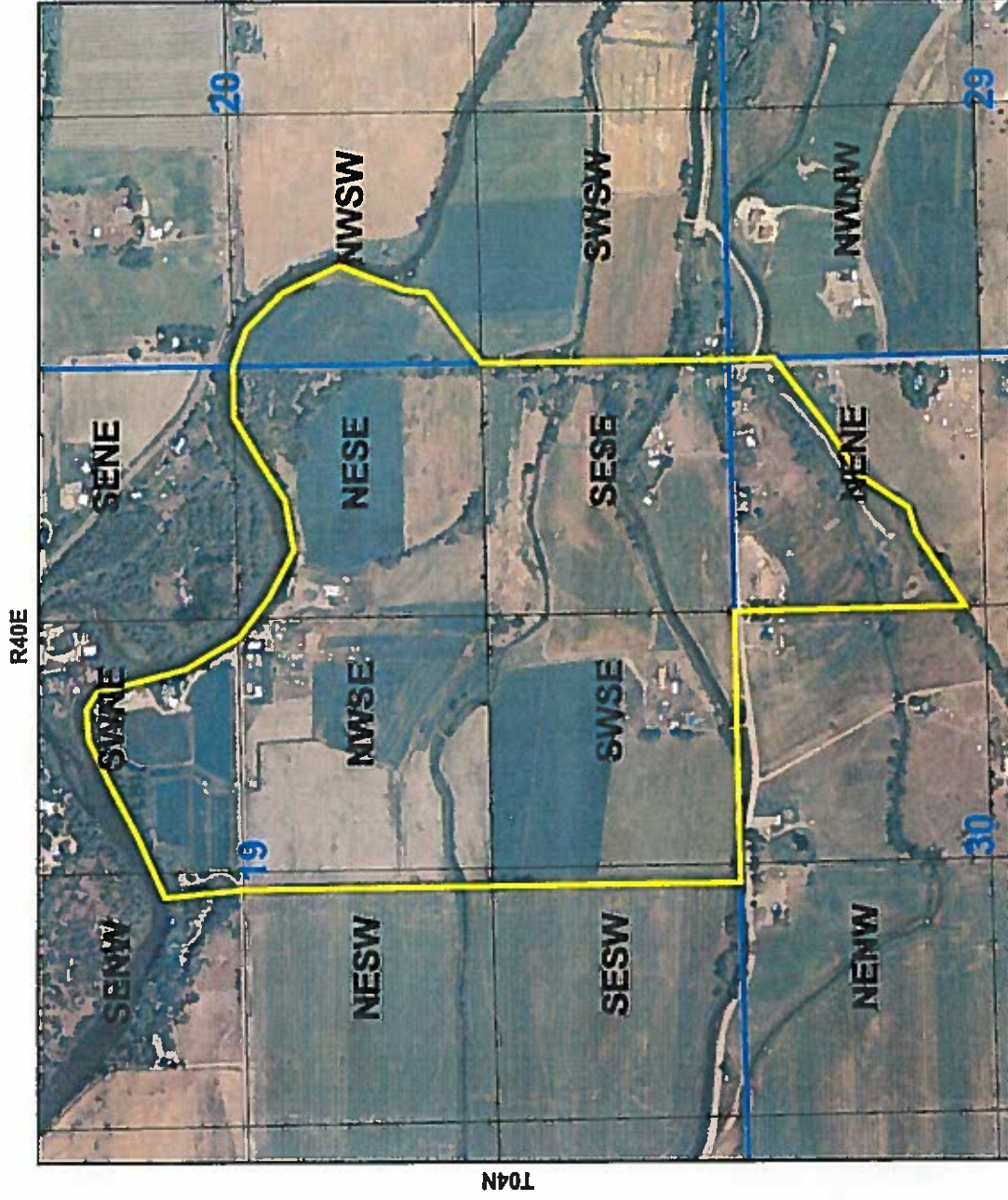
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Jefferson County
IDWR Basin 1



0 0.4 0.8 Miles



Prepared by M. Holliday
On Friday, December 15, 2006
2004 Aerial Photography

Saturday, November 04, 2006

Claims 1-242 and 1-299 were filed by Kite and Nord Ditch. The claims were filed consistent with the decrees, except that the claim numbers were switched. In other words, claim 1-242 contained the elements of water right 1-299 and vice versa. Therefore I am correcting the claims so that they will have the appropriate numbers associated with them, since this appears to have been a data entry error.

mwh



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

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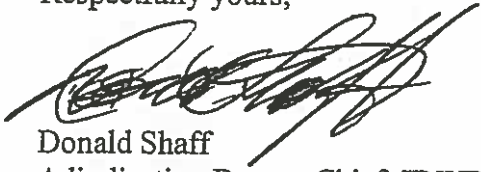
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Respectfully yours,



Donald Shaff
Adjudication Bureau Chief, IDWR

Enclosure: SRBA claim proof report

cc: Ernest Carlsen, IDWR

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 1-242
Date Received: 10/17/1988
Receipt No: E003201
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KITE AND NORD DITCH Phone: (208)538-7127
C/O VERDALE HILL
4572 E 250 N
RIGBY ID USA 83442

2. Date of Priority: 01/22/1916

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	40E	36	NW SE	JEFFERSON	

5. Description of diverting works:

HEADGATE TO DRY BED SNAKE RIVER TO HEADGATE ON KITE & NORD DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	5	
STOCKWATER	04/01	11/01	0.07	

7. Total Quantity Appropriated is:
5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	40E	19	SW NE	IRRIGATION	15
			NE SW	IRRIGATION	4

			NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	38
			SE	SE	IRRIGATION	37
			SW	NE	STOCKWATER	
			NE	SW	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
					Section Acres	169
04N	40E	20	NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			NW	SW	IRRIGATION	10
			SW	SW	IRRIGATION	10
					Section Acres	20
04N	40E	30	NE	NE	IRRIGATION	20
			NE	NE	STOCKWATER	
					Section Acres	20
					Total Acres	209

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM COMBINES THE FOLLOWING WATER RIGHTS: 01-00071/01-00226 A & B/01-00137.
RGT NO. 01-0226A & B WERE DECREED IN THE SUIT OF OSCAR J. NORD VS. LYNN CRANDALL,
W.M. DATED AUG 31,1945.

15. Basis of Claim: Decreed

SCANNED

AUG 22 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00242
Date Received: 10/17/1988
Receipt No: E003201
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KITE AND NORD DITCH
Address: C/O VERDALE HILL
4572 EAST 250 NORTH
RIGBY, ID

208-538-7127

83442

2. Date of Priority: APR 01, 1939

3. Source: SNAKE RIVER, SOUTH FORK Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	36	NW	SE			JEFFERSON

5. Description of diverting works:

HEADGATE TO DRY BED SNAKE RIVER TO HEADGATE ON KITE & NORD DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		
STOCKWATER	04/01	11/01	0.070		

7. Total Quantity Appropriated is:

4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 532.5 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER - 300 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	19	SW	NE		IRR	15.0

A01-00242

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Date: 10/17/88

A0100242



MICROFILMED

OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	40E	19	SW		NE		STOCK	
			NE		SW		IRR	4.0
			NE		SW		STOCK	
			NE		SE		IRR	35.0
			NE		SE		STOCK	
			NW		SE		IRR	40.0
			NW		SE		STOCK	
			SW		SE		IRR	38.0
			SW		SE		STOCK	
			SE		SE		IRR	37.0
			SE		SE		STOCK	
			Section Acres					169.0
		20	NW		SW		IRR	10.0
			NW		SW		STOCK	
			SW		SW		IRR	10.0
			SW		SW		STOCK	
			Section Acres					20.0
		30	NE		NE		IRR	20.0
			NE		NE		STOCK	
			Section Acres					20.0
			Total Acres					209.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A01-00299/10022

14. Remarks:

THIS CLAIM COMBINES THE FOLLOWING WATER RIGHTS: 01-00071/01-00226
A & B/01-00137.
RGT NO. 01-0226A & B WERE DECREED IN THE SUIT OF OSCAR J. NORD
VS. LYNN CRANDALL, W.M. DATED AUG 31, 1945.

15. Basis of Claim: DECREED

Case Number:

Court : SIXTH

Decree date:

A01-00242

Page

2

Date: 10/17/88

MICROFILMED

OCT 19 1992

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Kate & Nord Ditch, that I have signed the foregoing
Organization
document in the space below as President of
Kate & Nord Ditch and that the statements contained in the
Organization
foregoing document are true and correct.

Verdell E. Slie
Signature of Authorized Agent

Pres. Kate & Nord Ditch
Title and Organization

10-17-88
Date

State of Idaho)
County of Bonneville) SS.

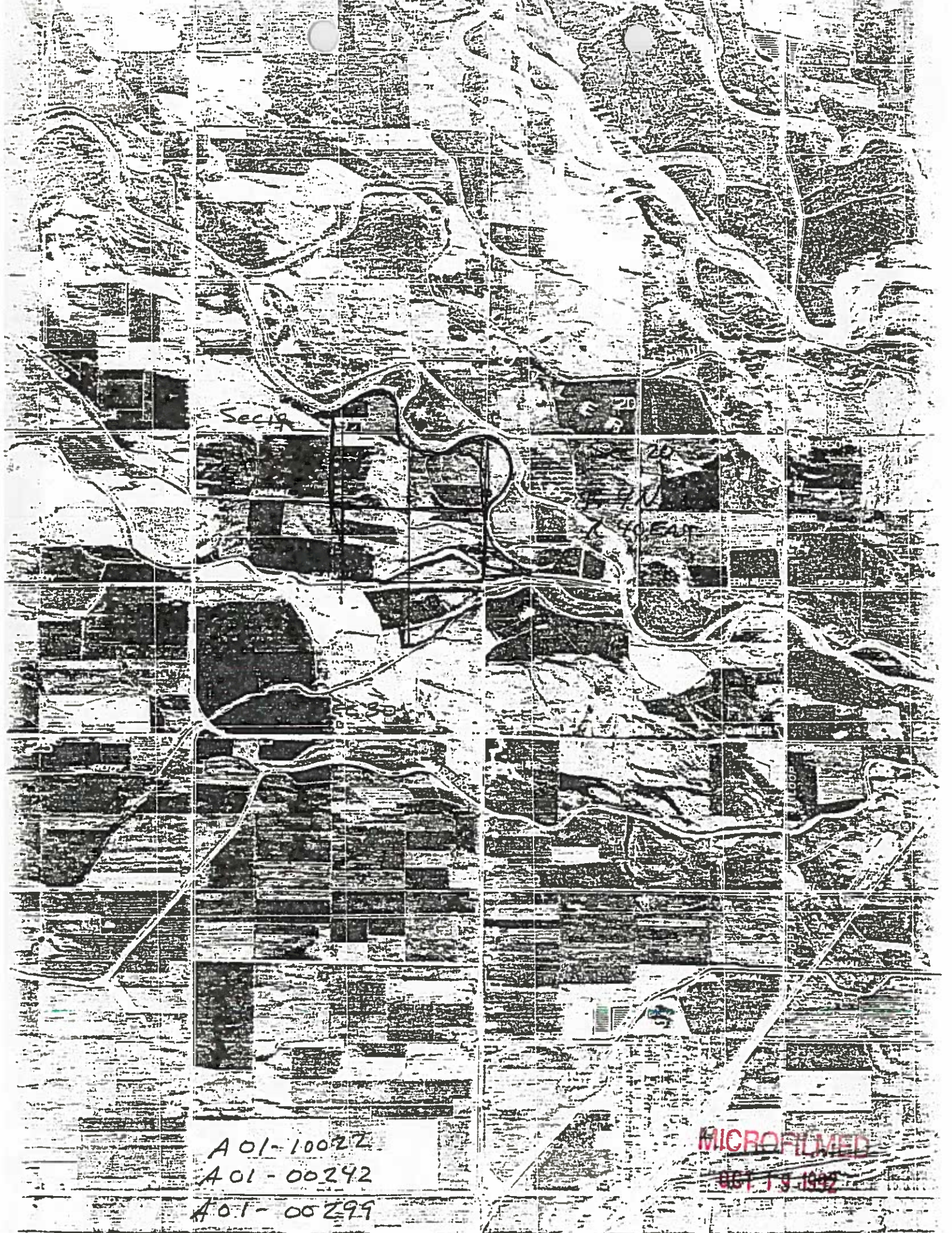
Subscribed and sworn (or affirmed) before me this 17 day
of October 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94



A01-10027
A01-00292
A01-00299

MICROFILMED
001-19-1992